

U.S. Serial No. 09/534,708
Attorney Docket No. PD-980130

REMARKS

As an initial matter, the undersigned would like to thank Examiner Tran for the courtesy of the telephone conference call held on July 19, 2004. Accompanying this response is a paper entitled Interview Summary under 37 C.F.R. § 1.133, which summarizes the substance of the telephone conference call.

The applicants have carefully considered the Office action dated April 22, 2004 and the references it cites. By way of this amendment, the applicants hereby affirm the provisional election of Group II (i.e., Claims 28-37) for further prosecution of the above-referenced patent application. Claims 1-27 have been withdrawn subject to a restriction requirement. Claims 28-40 are pending at issue, with claims 28, 36, and 37 being independent. Claims 28, 36, and 37 have been amended, and claims 38-40 have been added. As explained below, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

With respect to the examiner's request on page 2 for a copy of the information disclosure statement filed on July 24, 2002, a copy of the information disclosure statement is submitted herewith.

Turning to the art rejections, the Office action rejects claims 28-37 as unpatentable over Gordon et al. (U.S. Pub. No. 2001/0056577). The applicants respectfully traverse each of the rejections.

The applicants respectfully submit that independent claims 28, 36, and 37 are patentable over the art cited in the Office action. Each of the independent claims recites a method or a system that adds conditional logic to channel objects including more than one channel definition so that the conditional logic is evaluated by a receiver to identify a first channel definition or a second channel definition, wherein

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the first channel definition is associated with a first video component or a first audio component and the second channel definition is associated with a second video component or a second audio component. Further, at least one channel definition identifies the channel content components including a video component or an audio component needed to construct a television channel associated with a channel object for display.

While Gordon et al. generally disclose a program guide including a plurality of graphical icons, there is no teaching or suggestion in Gordon et al. to add conditional logic to channel objects including more than one channel definition so that the conditional logic is evaluated by a receiver to identify a first channel definition or a second channel definition. Gordon et al. also do not disclose or suggest a first channel definition associated with a first video component or a first audio component, and a second channel definition associated with a second video component or a second audio component. Further, Gordon et al. do not disclose or suggest channel definitions to identify channel content components including a video component or an audio component needed to construct a particular television channel for display.

In contrast to the Office action's assertion, conditional logic to identify a channel definition including a video component or an audio component cannot be added to the channel objects displayed on the screen of the system disclosed in Gordon et al. (e.g., the channel identifier 135). In particular, the channel objects of Gordon et al. are merely channel identifiers such as text or logo displayed on a screen (i.e., graphical representations, text or other portions of a visually perceptible image). See Gordon et al., para. [0033], and FIGs. 1 and 11-14. Thus, the channel objects of Gordon et al. are fundamentally different than the claimed channel objects.

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Further, the portion of Gordon et al. to which the Office action refers does not disclose or suggest evaluating conditional logic by a receiver to identify a first channel definition or a second channel definition, which in turn, identifies a video component or an audio component needed to construct a particular television channel for display. In particular, paragraph [0088] of Gordon et al. merely discloses conditional access to channels that a user is entitled to view (i.e., display of on-screen emphasis) by processing bitmap information at a head end processing system. This portion of Gordon et al. does not disclose or suggest the claimed use of conditional selection of first and second channel definitions that identify first and second video or audio components. None of the cited references, whether taken alone or in combination, teaches or suggests such a method, or a system. Accordingly, independent claims 28, 36, and 37 and all claims depending therefrom are allowable.

For these reasons, it is respectfully submitted that the pending claims are in condition for allowance. If, for any reason, the examiner is unable to allow the application in the next Office action, the examiner is encouraged to telephone the undersigned attorney at the telephone number listed below.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-2455.

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Respectfully submitted,

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